

Board of Education
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 Mr. Stephen Short
 Director of Student Services
 Dr. Lynda Weston
 Director of Teaching and Learning

April 7, 2008

COPY

Mr. John Freshwater

[REDACTED]

[REDACTED]

John,

Per our discussions, I wish to follow up on several concerns that have come to my attention over the past several weeks related to (1) your role with the Fellowship of Christian Athletes student club and (2) religious materials in your classroom. With regard to the Fellowship of Christian Athletes ("FCA"), the Equal Access Act allows these student clubs on the premises of the school only where (i) the meeting is voluntary and student initiated, (ii) there is no sponsorship by the school or its employees, (iii) employees are only present in a nonparticipatory role, (iv) the meeting does not materially interfere with educational activities within the school and (v) nonschool personnel are not directing, conducting, controlling or regularly attending the meeting or activities of the student group. Because of this federal law and the Board's obligations under the First Amendment, I must re-emphasize that your role with the FCA club cannot be participatory -- rather you are simply there to monitor the students to ensure they are abiding by the school's rules and are safe. You will be expected to enforce and comply with the guidelines I have established for all student clubs that meet before or after school or during the school day, including tracking attendance and

BOARD - EXHIBIT 12

The Mission of the Mount Vernon City School District is to provide, in cooperation with the larger community, a quality education for all students by upholding a standard of excellence in curriculum, staff, facilities, achievement and conduct, and to graduate individuals empowered to be

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verifying the students have submitted parent permission forms to participate in the club.

With regard to religious materials in your classroom, it has been brought to my attention that you have a bible out on your desk and that the "collage" on your classroom window includes the 10 commandments. While you certainly may read your bible on your own, duty free time [i.e. during lunch], it cannot be sitting out on your desk when students are in the classroom and when you are supposed to be engaged in your responsibilities as a teacher. As for the 10 commandments, that part of your collage must be taken down and replaced with something that is not religious in nature. As a public school teacher, you cannot engage in any activity that promotes or denigrates a particular religion or religious beliefs while on board property, during any school activity or while you are "on duty" as a teacher. Unless a particular discussion about religion or religious decorations or symbols is part of a Board approved curriculum, you may not engage in religious discussions with students while at school or keep religious materials displayed in the classroom.

I appreciate your understanding of these concerns and expect you will act accordingly. Thank you.

Sincerely,

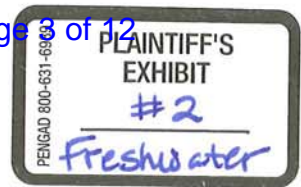


William D. White

Principal, Mount Vernon Middle School

Cc: Mr. Steve Short, Superintendent

Employee file.



Board of Education
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Mrs. Sharon Fair
Mrs. Jody Goetzman
Mr. Steven Hughes



District Leadership
Mr. Stephen Short, Superintendent
Mrs. Nancy Sinclair, Treasurer
Dr. Lynda Weston,
Director of Teaching and Learning

April 14, 2008

John Freshwater
[Redacted]

John.

This letter is to follow up on the letter you were given on April 7 and our conversation on April 11 concerning the removal of religious items from your classroom.

As per our conversation, all religious items need to be removed from your classroom by the end of the day on Wednesday, April 16, 2008. Bibles and other religious DVD's, videos, etc. should also be placed out of sight and access of students by this date.

Your prompt attention to this matter is appreciated.

Sincerely,

William D. White, Principal

I acknowledge receipt of this letter.

(Teacher)

Cc: Superintendent
Employee File

BOARD - EXHIBIT 13



Statement of John Freshwater

April 16 2007---Mt. Vernon, Ohio

Today, in compliance with a directive from my superiors in the Mount Vernon City Schools, I have removed the 10 Commandments from the "collage" on my classroom windows. Although I am convinced that the Decalogue has tremendous historical significance in our culture I understand that the courts have ruled that their placement in a public-school is not permitted. The US Supreme Court ruled in the 1980 Case Stone V Graham that:

"If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey. However desirable this might be as a matter of private devotion, it is not a permissible state objective under the Establishment Clause."

Clearly the courts do not want children to read the 10 Commandments.

In addition, my superiors have ordered me to remove the Bible from the desk of my classroom. Because the Bible is personal, private property and the source of personal inner-strength in my own life the removal of it from my desk would be nothing short of infringement on my own deeply held, personal religious beliefs granted by God and guaranteed under the "free-exercise clause" of the First Amendment to the United States Constitution.

The First Amendment reads:

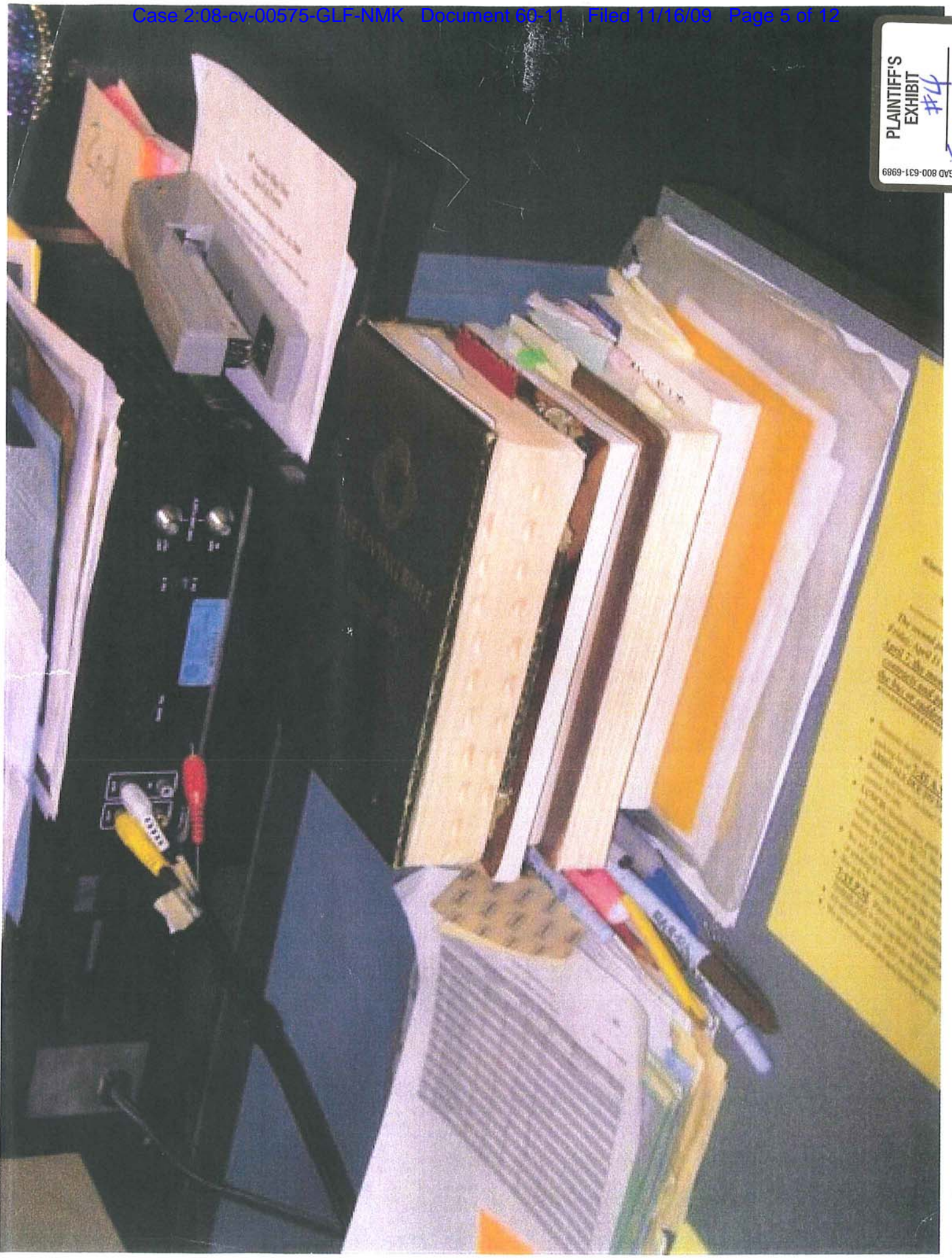
Congress shall make no law respecting an establishment of religion, or **prohibiting the free exercise thereof**; (emph. mine) or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

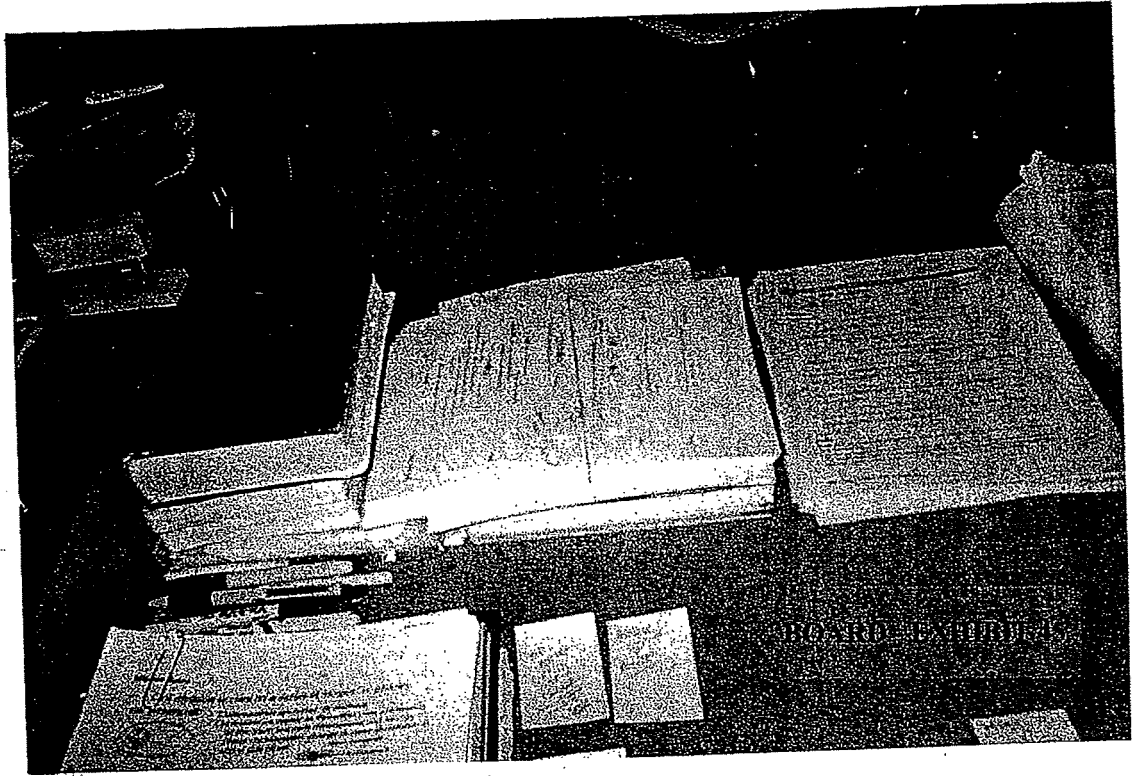
My question today is if Congress can make no law prohibiting the "free exercise" of my faith, from where does the Mt. Vernon City Schools obtain the power to restrict it?

Until the Mount Vernon City Schools can demonstrate to me how I can remove the Bible from my desk without sacrificing my own God-given right to free exercise of my faith, I cannot in good-conscience comply with their directive.

I do not forfeit my right to free expression of my faith when I walk into the school and because I strongly object to the "Christian censorship" being promoted in our schools I respectfully reject the request to remove the Bible.

PLAINTIFF'S
EXHIBIT
#4
Freshwater
PENGAD 800-631-6989





Bible
2 Chickens Soup For The Teenage Soul.

PENGAD 800-631-6989
PLAINTIFF'S
EXHIBIT
#5
Freshwater

THE TEN COMMANDMENTS

1. Thou shalt not...
2. Thou shalt not...
3. Thou shalt not...
4. Thou shalt not...
5. Thou shalt not...
6. Thou shalt not...
7. Thou shalt not...
8. Thou shalt not...
9. Thou shalt not...
10. Thou shalt not...

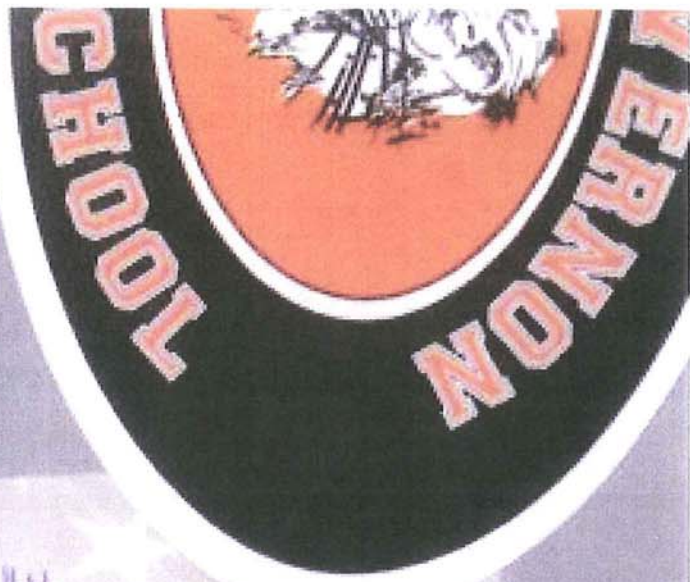
GOOD THINGS

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Mr. Freshwater

THE TEN COMMANDMENTS

1. Thou shalt not...
2. Thou shalt not...
3. Thou shalt not...
4. Thou shalt not...
5. Thou shalt not...
6. Thou shalt not...
7. Thou shalt not...
8. Thou shalt not...
9. Thou shalt not...
10. Thou shalt not...



THE

I am the LORD your God. You shall have no other gods before me.

You shall not make for yourself an idol, whether in the form of anything that is in heaven above, or that is on the earth beneath, or that is in the water under the earth. You shall not bow down to them or worship them; for I the LORD your God am a jealous God.

3 You shall not take the name of the LORD your God in vain.

4 Remember the sabbath day, and keep it holy.

5 Honor your father and your mother.

6 You shall not murder.

7 You shall not commit adultery.

8 You shall not steal.

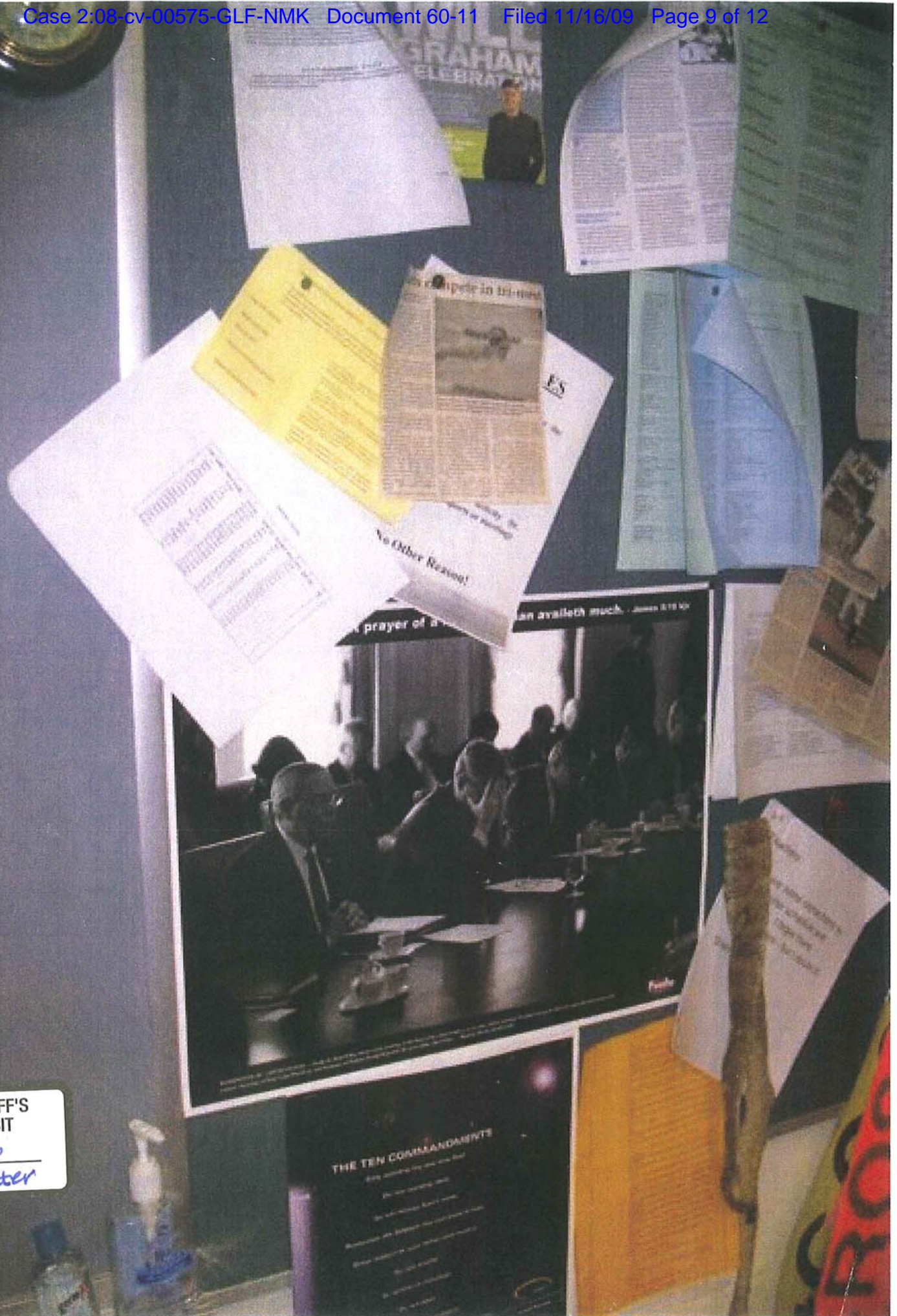
9 You shall not bear false witness against your neighbor.

10 You shall not covet your neighbor's house; you shall not covet your neighbor's wife; not anything that is your neighbor's.



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2.30
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6. Office r





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PLAINTIFF'S
EXHIBIT

#6

Freshwater



PLAINTIFF'S
EXHIBIT

#7

freshwater

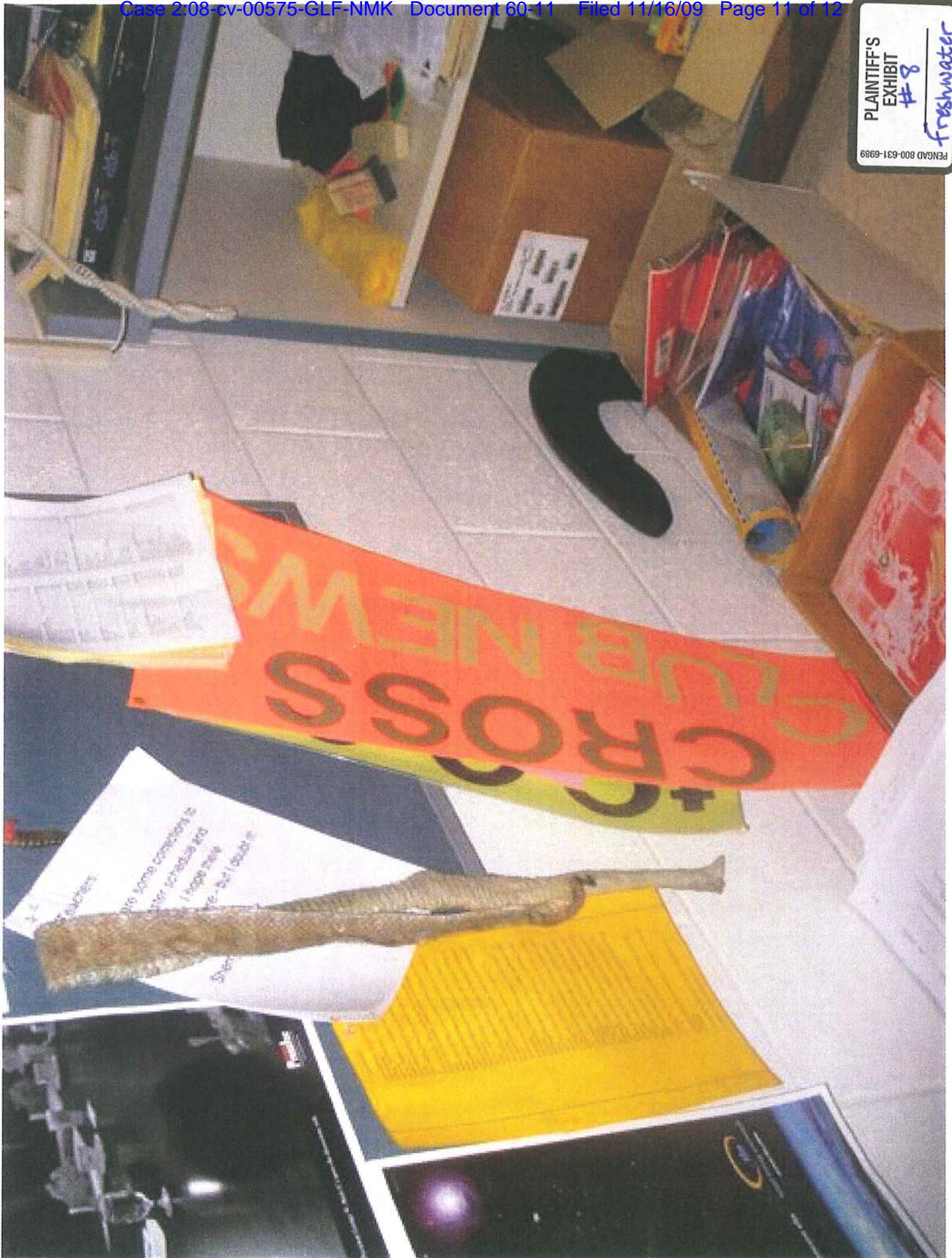
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PLAINTIFF'S
EXHIBIT

#8

freshwater

PENGAD 800-631-6989



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TO: MS/HS science curriculum members
FROM: Lynda Weston
RE: Freshwater proposal
DATE: March 7, 2003

Enclosed is a proposal John Freshwater would like our science committee to consider. John would ultimately like for this proposal to be presented to the school board. Before that could be considered, the science curriculum committee has the opportunity to agree or disagree with the proposal. I will present the decision of the committee to Mr. Maley. On April 2nd at 2:45 in Central Office John will have an opportunity to present his perspective and reasons for requesting that his proposal be included in the science curriculum. After John presents his point of view, the committee will have the opportunity to discuss the issue with John. Following that, the committee will discuss the issue further and make its recommendation to the school board. Please read John's proposal and some additional materials on the subject.

ATTACHMENT 6



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